IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Crl.MC.No. 2875 of 2007()

CRIME NO.61 OF 2002 OF VALIYAMALA POLICE STATION, THIRUVANANTHAPURAM
NOW PENDING AS O.R.NO.11 OF 2002 OF PARUTHIPPALLY EXCISE RANGE

PETITIONER: ACCUSED

ERSHAD.M., AGED 25 YEARS,
S/O.MOIDEEN KUNJU, RESIDING AT ERSHADA MANZIL,
CHARUPARA MURI, THOLICODU VILLAGE,
NEDUMANGADU TALUK, TRIVANDRUM DISTRICT.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: STATE

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM(CRIME NO.61/2002 OF VALIYAMALA POLICE STATION, THIRUVANANTHAPURAM SUBSEQUENTLY TRANSFERRED TO FOREST DEPARTMNT AND NOW PENDING AS O.R.NO.11 OF 2002 OF PARUTHIPPALLY EXCISE RANGE).

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2875 of 2007

Dated this the 13th day of September, 2007

O R D E R

The petitioner faces allegations under the Kerala Forest Act. Investigation is now complete. Final report has already been filed. The petitioner was initially enlarged on bail. Later, consequent to his non appearance, coercive processes have been initiated against him. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing him.

2. According to the petitioner, he is absolutely innocent. His absence was not wilful. The petitioner is now willing to appear and apply for bail and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law

and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-